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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,882	04/13/2004	Richard Simons	H0006930-0766(1161.116310	4002

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EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,882

Applicant(s)

SIMONS, RICHARD

Examiner

Aditya S. Bhat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-20, 29 and 30 is/are allowed.
6) ☐ Claim(s) 21-28 and 31-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/18/07.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

With regards to the IDS form filed on November 16, 2005 a signed copy has been mailed with this office action.

Claim Objections

Claim 21 is objected to because of the following informalities: claim 21, line 10 "component" should read "components". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-28 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (EP 1 196 003 A2).

With regards to claim 21, Hill et al. (EP 1 196 003 A2) teaches a method for testing a plurality of HVAC systems each in a different building structure or in a different region of a common building structure from a remote location, (see 12;figure 1) the method comprising the steps of:

transmitting a test request to each of the plurality of HVAC systems from the remote location; (Col. 3-4, Paragraph 0021, lines 58 &1-3)

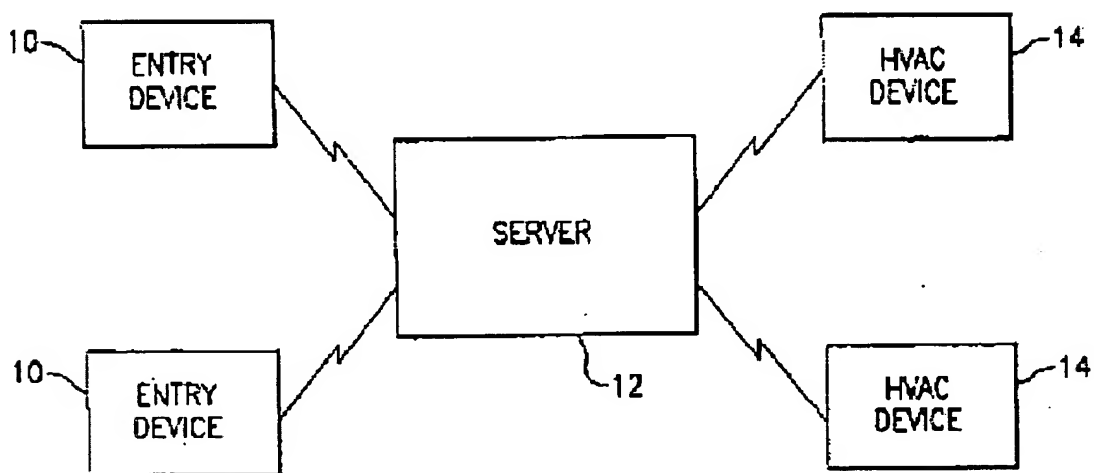
performing one or more tests on each of the HVAC systems in response to the test request (col. 3, Paragraph 0016, lines 6-7), and producing a test result for each of

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the HVAC systems; (Col. 4, Paragraph 0021, lines 1-2) wherein at least one of the one or more tests that is performed activates and tests one or more of the active or dormant components of an HVAC system; (Col. 4, Paragraph 0028, lines 28-33)

transmitting the test result for each of the HVAC systems to a remote location, and (Col. 4, Paragraph 0021, line 2)

storing the test results at the remote location. (Col. 4, Paragraph 0029, lines 38-39)

**FIG.1**

With regards to claim 22-24, Hill et al. (EP 1 196 003 A2) teaches at least some of the plurality of HVAC systems include a primarily active component and a primarily dormant component, and wherein at least one of the one or more tests that is performed activates and tests the primarily active component or dormant component of the

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corresponding HVAC system in response to the test request. (Col. 2, Paragraph 0007, lines 34-35)

With regards to claim 25, Hill et al. (EP 1 196 003 A2) teaches a method for determining which of a plurality of HVAC systems will require maintenance, the method comprising the steps of:

transmitting a test request to each of the plurality of HVAC systems from the remote location; (Col. 3-4, Paragraph 0021, lines 58 & 1-3)

performing one or more tests on each of the HVAC systems in response to the test request col. 3, Paragraph 0016, lines 6-7), and producing a test result for each of the HVAC systems; (Col. 4, Paragraph 0021, lines 1-2)

transmitting the test result for each of the selected HVAC systems to a remote location; (Col. 4, Paragraph 0021, line 2)

storing the test results at the remote location (Col. 4, Paragraph 0029, lines 38-39) and

identifying which of the HVAC systems will likely need service by analyzing the test results. (Col. 5, Paragraph 0032, line 46-50)

With regards to claim 26, Hill et al. (EP 1 196 003 A2) teaches the step of providing different test requests to at least two of the plurality of HVAC systems, wherein each test request identifies a different test to perform. (see figure 1)

With regards to claim 27, Hill et al. (EP 1 196 003 A2) teaches the step of charging an owner of an HVAC system an amount that depends on the particular test that is performed on the HVAC system. (Col. 3, Paragraph 0009, lines 8-10) It is within

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reasonable interpretation to infer that service technician would charge for his/her services.

With regards to claim 28, Hill et al. (EP 1 196 003 A2) teaches the step of scheduling service on at least some of the HVAC systems that have been identified as likely needing service. (Col. 2, Paragraph 0007, lines 30-35)

With regards to claim 31, Hill et al. (EP 1 196 003 A2) teaches a method of remote testing of HVAC systems comprising the steps of:

transmitting one or more maintenance signals from a remote unit to a specified group of customer HVAC systems, the specified group being a number less than a total number of customer HVAC systems in a customer database; (Col. 3, Paragraph 0016, lines 9-11)

receiving the one or more maintenance signals at each of the HVAC systems, the one or more maintenance signals activating an HVAC component; (Col. 2, Paragraph 0005, lines 9-11)

performing a self-test on the activated HVAC component based on the received one or more maintenance signal; (Col. 2, Paragraph 0005, lines 7-9)

generating self-test result signals from the activated HVAC component based on the self-test performed on the activated HVAC component; (Col. 2, Paragraph 0007, lines 30-34)

transmitting the self-test result signals from the HVAC system to the remote unit; and receiving the self-test result signals from the HVAC systems at the remote unit. (see figure 1)

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storing the test results at the remote location. (Col. 4, Paragraph 0029, lines 38-39)

With regards to claim 32, Hill et al. (EP 1 196 003 A2) teaches determining the specified group of customer HVAC systems based on the specified group of customer HVAC systems being within a specified geographic area prior to the step of transmitting the one or more maintenance signals. (figure 6-7)

USER DATABASE

USER NAME	PASSWORD	UNIT 1	UNIT 2	...	UNIT N
CARRIER 1	123456	OFFICE	MILAN	...	FRANCE
CARRIER 2	654321	LOBBY	MILAN	...	

FIG.6

UNIT DATABASE

UNIT NAME	UNIT PHONE #	POWER	MODE	ROOM TEMP	SETPOINT	FAN SPEED	LOUVER	TIMER	DIAGNOSTIC	ALARM METHOD 1	ALARM DATA 1
OFFICE	(315)555-3456	ON	HEAT	22	22	LOW	1	OFF	NONE	E-MAIL	XYZ@CARRIER.UTC.COM
MILAN	0131234123412	OFF	OFF	23	22	OFF	HOME	OFF	NONE	PHONE	(315)555-1234
FRANCE	3371234512345	ON	COOL	24	22	MEDIUM	6	OFF	NONE	E-MAIL	XYZ@CARRIER.UTC.COM
LOBBY	(315)555-4567	ON	FAIL	25	22	OFF	HOME	OFF	ROOM AIR	SMS	(315)555-2345

FIG.7

With regards to claim 33, Hill et al. (EP 1 196 003 A2) teaches determining which customer HVAC systems from the specified group of customer HVAC systems likely require maintenance based on the self-test signals received by the remote unit. (see figure 7)

With regards to claim 34, Hill et al. (EP 1 196 003 A2) teaches performing maintenance on the customer HVAC systems that are determined to likely require maintenance based on the self-test signals received by the remote unit. (Col. 2, Paragraph 0007, lines 34-35)

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1-20, 29 and 30:

The primary reason for the allowance of claim 1 is the inclusion of the method steps of: performing a test on the dormant component of the HVAC system in response to the test request, and producing a test result. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

The primary reason for the allowance of claim 29 is the inclusion of the method steps of: activating the heating component at a time when the HVAC system would not normally call for heat; and determining if the heating component is in compliance with a number of predetermined conditions. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

The primary reason for the allowance of claim 30 is the inclusion of the method steps of: activating the cooling component at a time when the HVAC system would not normally call for cool; and determining if the cooling component is in compliance with a number of predetermined conditions. It is this feature found in the claim, as it is claimed

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in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 2-20 are allowed due to their dependency on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 1/18/07 have been fully considered but they are not persuasive. Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meanings of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance the applicant argues that;

1) the prior art of record does not teach performing a test on a dormant component. In response to the argument/amendment the rejection has been withdrawn. Specifically the term "primarily" has been deleted and therefor the subject matter is clearly claimed.

2) the prior art of record does not teach performing a test/diagnostics, but merely teaches requesting diagnostic information (col. 4, paragraph 0029, lines 39-40)

3) claims 2-5 and 15 are improperly rejected. The rejection has been withdrawn since these claims depend on independent claim 1.

4) claims 29-30 are improperly rejected. Applicant's arguments/amendments have been found persuasive and have been withdrawn.

5) the prior art of record does not teach on or more test that activate a component and tests (col.4, paragraph 0029, line 36) on or more of the active or dormant components of an HVAC. Since the prior art of record is clearly testing the HVAC component and the system only has either a active or dormant state it must be testing one or the other.

6) the prior art of record does not teach analyzing test results and identifying which of a plurality of HVAC systems will likely need service based on those results (Col. 4, paragraph 0029)

7) the prior art of record does not teach transmitting any test requests (col. 4, paragraph 0029)

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8) the prior art of record does not teach charging a owner for the tests performed on the hvac system. (col. 4, paragraph 0029, line 45) (col. 1, paragraph 003 lines 19-20) These recitations illustrate that a cost is associated with services performed by the technician.

9) the prior art of record does not teach scheduling service (col. 4 paragraph 0029, line 42)

10) the prior art of record does not teach maintenance signals activating an HVAC component (col.4, paragraph 0029, lines 35-41)

11) the prior art of record does not teach transmitting a maintenance signal (col.4, paragraph 0029, line 35-41) that activates (col.4, paragraph 0028, lines 31-33) the component.

For the aforementioned reasons the arguments/amendments to claims 21-28 and 31-34 have not been found persuasive and the rejections have been deemed proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krockner et al. (USPUB 2003/0195640) teaches a HVAC service tool with Internet capability.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
March 30, 2007


John Barlow
Supervisory Patent Examiner
Technology Center 2800